**AGENDA TITLE:** 

Approval of Special Allocation for Expenses Incurred for moving and storing

PCE/TCE Litigation Files and Kronick, Moskovitz, Tiedemann & Girard

Invoice for Services Rendered February 2004

**MEETING DATE:** 

April 7, 2004

PREPARED BY:

**Interim City Attorney** 

RECOMMENDED ACTION:

That the City Council approve a Special Allocation in the amount of

\$117,941.58 to cover expenses incurred for moving and storing

PCE/TCE Litigation Files (\$17,005), and Kronick, Moskovitz,

Tiedemann & Girard invoice for services for February, 2004 (\$100,936.58).

BACKGROUND INFORMATION:

As you will recall, with the termination of the City's outside

Environmental Counsel, Envision Law Group, it was necessary to have the 200 Bankers Boxes of litigation files moved from Envisions

Lafayette office to the City of Lodi.

The files were temporarily stored in the Document Depository (with approximately 1300 other boxes already located there) until such time as Envision terminated the Document Depository lease. The files were then relocated to the basement of the old Public Safety Building once the Police Department moved into their new quarters. Since time was of the essence to move, organize and review the files in order to meet ongoing deadlines, the Kronick, Moskovitz, Tiedemann & Girard firm assisted the City by locating a company to move the boxes of files, keeping them in careful order. The vast number of files encompasses at least six rooms.

The moving company, Cimarron of California performed the following work:

1)	1/29/04 - Picked up 200+ boxes from Envision Law Group, Lafayette	\$
	and delivered to City of Lodi (this included five hours of down time	
	as Envision would not allow entry).	

2,889.00

2/01/04 - Arranged boxes [in Depository hallway] in numerical order.
 (This work was done on a Sunday per Steve Schwabauer's request).

855.00

 2/09/04 – Relocate 1500 boxes plus contents and shelving from 210 W. Pine Street to 210 Elm Street, Lodi.

\$ 11,532.00

TOTAL

\$ 15,276.00

APPROVED:

H. Dixon Flynn, City Manager

Additionally, during the time between the lapse of the Depository lease and moving of the files to the Public Safety Building, the City is being charged \$133.00 rental fee per day by the owner, Mr. Fred Heagarty.

Document Depository Rental fee covering time period January 30, 2004 through February 11, 2004, representing 13 days.

\$ 1,729.00

Invoice for Services Rendered for February, 2004 by Kronick, Moskovitz, Tiedemann & Girard.

\$100,936.58

FUNDING:

Water Fund 183453.7323

Vicky McAthie, Finance Director

D. Stephen Schwadawer Interim City Attorney

DSS/pn

Attachments



3132 Dwight Road, Suite 400 Elk Grove, CA 95758 (916) 391-4480 (916) 391-8414 FAX Contractor's Lic. # 819181 (D34)

BILL TO: KRONICK MOSKOVITZ ATTN: ACCTS PAYABLE 400 CAPITOL MALL, 27 FLR SACRAMENTO, CA 95814-4417



DATE: 01/30/04

INVOICE #: 46683

CUSTOMER #: PER ELAINE

PROJECT #: 38301

SERVICE FOR:

ENVISION LAW GROUP

DESCO PLAZA II

3717 MOUNT DIABLE BLVD. #100

LAFAYETTE, CA 94549

2% 10 / Net 15

Due on or before 02/14/04

DATE DESCRIPTION AMOUNT

1/29/04 PICKUP & DELIVERY AS \$ 2889.00
PER ATTACHED

110-11233.1

per Lacian Hendesm

(D)

TAX

0.00

TOTAL REMITTANCE DUE

\$ 2889.00

Ŧ

	COROLE, #1	Project#: BT: TM			38301
* 1 * *	D, CA 95628	ACCOUNTS AND	400	2/0300	<del></del>
16) 387-809:	3 PHONE	STOP: 1		E: 10:00	
16) 387-816:	3 FAX	S/W: Elaine			00.00,00 constituting at a not confidency 10,355,10
A # 109139		RACK LOC:	Pir man chandle shirt tradition becomes a commence of the comm		CANNEL CONTROL OF THE PROPERTY
USTOMER:	KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD	CONSIGNEE:	ENVISION LAW G	ROUP	mayyyti. Omroid dei Ambient ya maga da jayay ishi ki da ina mamana, nga
	400 CAPITOL MALL, 27TH FL.	androp, s	DESCO PLAZA II		:
	SACRAMENTO, CA 95814-4417		3717 MOUNT DIAE	BLO BLVD, STE. #10	0
	us2	NAMES I	LAFAYETTE, CA	94549	
ONTACT:	ELAINE SAVAGE	_ CONTACT:	LAGIAN HENDER	SON	,
HONE #:	(916) 321-4528	PHONE #:	(925) 962-6900 - (	CELL (916) 300-6685	in panythipperine diatology by hymor of a fall diffragress
ATE: 1/29/04	CUST. P.O.#: VERBAL ELAINE	_ XWO:			tad a confermed and the second and t
	•	Marilla and alternated after an artist		***************************************	**************************************
ORD HREC	#B/O PRS/ Date of	Conference of the contract of	ESCRIPTION		and a special programmer to a special property and representations of the special programmer and special programmer.
UKU WKEC	PRF   Service	115711	JESUKIF HUN		٠,
1 1	1/29/04 Pick up (100 - 20)	0) Boxes from above odi. Peggy Nicolini. (2			al.
1	210 West Pine, L	odi, Peggy Nicolini. (2			
1 ) 1 )	0- 1/29/04 Pick up (100 - 20) 210 West Pine, L	odi. Peggy Nicolini. (2	09) 333-6701. Cali		al
1	0- 1/29/04 Pick up (100 - 20) 210 West Pine, L	odi, Peggy Nicolini. (2	09) 333-6701. Cali		al.
- Wild Agrange Grant Ship 12 or the contrast cont	Job Complete: Incom	odi. Peggy Nicolini. (2	09) 333-6701. Cali		al
omments: <u>F</u>	De 1/29/04 Pick up (100 - 20) 210 West Pine, L.  Job Complete:	odi. Peggy Nicolini. (2 3 : 00 plete - See Pun al.Cell # (916) 300-56	09) 333-6701. Cali chlist: Int. 86.	1/2 hr prior to arriva	al.
omments: F	210 West Pine, L.  Job Complete: Incom  Cust. Init.  Please call Lacian Henderson 1/2 hr prior to arriva	3:00 plete - See Pun al.Cell # (916) 300-56	chlist:	1/2 hr prior to arrive	
omments: F	Job Complete: Incom  Cust. Init.  Please call Lacian Henderson 1/2 hr prior to arriva	3:00  plete - See Pun  al.Call # (916) 300-56	chlist:	1/2 hr prior to arrive	
omments: F	Job Complete: Incom Cust. Init.  Please call Lacian Henderson 1/2 hr prior to arriva  wheel (15/14/1 on 5/48 27 wheel  work constitutes acceptance of Constron  IT George Havens	3:00  plete - See Pun  al.Cell # (916) 300-56  customer sign	chlist: Int.  86.  Sacred types  Their normal in	1/2 hr prior to arrive	
omments: F	Job Complete:	3:00  plete - See Pun  al.Cell # (916) 300-56  cost of	1-29-04	1/2 hr prior to arrive	
omments: F	210 West Pine, L.  210 West Pine, L.  Job Complete:	3:00  plete - See Pun  al.Cell # (916) 300-56  customer sign  ustomer date  American Exp	1-29-04	1/2 hr prior to arrive	
omments: F	Job Complete:	3:00  Iplete - See Pun  I.Cell # (916) 300-56  Spring and ell x  USTOMER SIGN  USTOMER DATE  American Exp	chlist: Int.  86.  Their normal int.  1-29-04  Press, and Dis	1/2 hr prior to arrive	

Thank you for using Cimarron - We appreciate your business!



3132 Dwight Road, Suite 400 Elk Grove, CA 95758 (916) 391-4480 (916) 391-8414 FAX Contractor's Lic. # 819181 (D34)

BILL TO:

KRONICK MOSKOVITZ ATTN: ACCTS PAYABLE 400 CAPITOL MALL, 27 FLR SACRAMENTO, CA 95814-4417



DATE: 02/10/04 INVOICE #: 46783

CUSTOMER #: PER ELAINE

PROJECT #: 38331

SERVICE FOR: 210 W. PINE LODI, CA

## **Net 15**

Due on or before 02/25/04

A STATE OF THE PARTY OF THE PAR		and the second s
DATE	DESCRIPTION	TMUOMA
2/1/04	SERVICE AS PER ATTACHED	\$ 855.00

Bizz to Lodi H833.1



TAX

\$

TOTAL REMITTANCE DUE

\$ 855.00

Q.QQ

Thank you for using Cimarron - We appreciate your business!

We now accept MasterCard, VISA, American Express, and Discover.

OFFICE USE

\_CUSTOMER DATE

S X SP WC IR PRF#

2/1/04



3132 Dwight Road, Suite 400 Elk Grove, CA 95758 (916) 391-4480 (916) 391-8414 FAX Contractor's Lic. # 819181 (D34)

BILL TO: KRONICK MOSKOVITZ

ATTN: ACCTS PAYABLE 400 CAPITOL MALL, 27 FLR SACRAMENTO, CA 95814-4417

## FEB 2 3 2004 CITY ATTORNEY'S OFFICE



DATE: 02/13/04

INVOICE #: 46817

**CUSTOMER #: PER LACIAN** 

PROJECT #: 38396

SERVICE FOR:

LODI STORAGE 210 W. PINE STREET

LODI, CA

## 2% 10 / Net 15

Due on or before 02/28/04

DATE DESCRIPTION AMOUNT
2/11/04 SERVICE AS PER ATTACHED \$ 11532.00

67909

OK for Payment

DATE

AUTHORIZE

TAX

nyrano-menin

0.00

TOTAL REMITTANCE DUE

\$ 11532.00

CIMARRON C 8432 ROVAN	OF CALIFORNIA A CIRCLE: #1	Project #:		38396
	O, CA 95828	J.S.T.:	amente de la companya	ر همیشند. و همیشند به میشود به میشود به این است. به در در میشد به باید به این این این این این این این این این را در همیشند به این
(916) 387-80S		STOP: 1	· TIA	/E: 7:00
(916) 387-816		S/W: Laci	party annual manufaturi amakan partuguran peranggangan penangan penangan penangan baharan baharan baharan bahar Baharan	and a second
CA # 109139		RACK LOC		
CUSTOMER:	KRONICK, MOSKOVIFZ, FIEDEMANN & GIRARE	CONSIGNE	E: LODI STORGE	· · · · · · · · · · · · · · · · · · ·
	400 CAPITOL MALL, 27TH FL.		210 W. PINE ST	(Vocument Depositiony)
	SACRAMENTO, CA 95814-4417	man for the exception of the inflorence of	LODI, CA	
CONTACT:	LACIAN HENDERSON	CONTACT:	LACIAN	tenden in communication in the first of the Section of Communication of the condition of the communication of the
PHONE #:	Company and the Company of the Compa	PHONE #:	\$100 might or \$\$9000 personal parties of subjects arise, also a subject to the continue of the	Managament ( any symmetric group of the first of the first and the same and group and a symmetric group and a
DATE: 2/0/04	CUST P.O.# VERBALLACIAN	xwo:	Color commence of the color of	
Grand E. S. Breen. Mary and T. S. Sandara and S. Sandara and S. S. Sa	Contraction of Contraction Con	manufacture appropriate production and the second line or extended line or		
Facility on a service of the section	med. Considering the second of Europe states and Europe and second designation of the second management and second			An expression from the property of the contract of the contrac
#ORD #REC	#B/O   PRS/  Date of   PRF   Service	ITEA	A DESCRIPTION	
- -	Job Complete: In	complete - See P	unchlist:	other annual section of the section
Comments:				
Initiation of	f work constitutes acceptance of Cima	mon's pricing and a	il of their normal	terms and conditions
SERVICE AGE	NT Henry Ochoa	CUSTOMER SIGN	· Per Ca	cran
DA'T	E 2/9/04	CUSTOMER DAT	e <u> </u>	-0.4
	We now accept MasterCard, V	/ISA, American E	express, and D	Iscover.
The state of the s	Ol	FFICE USE		the control of the second seco
D	P X W 1 S	Xsp	WC IR _	PRF#

Thank you for using Cimarron - We appreciate your business!

2337

(11532

finte - Code

8 x 9/ - 648 25 x 1/14 - 385 mon 49 - Henry

(2) ML

- 16 x52 - 832 2 x78 - 156

(1) ma - 8 x52 = 416

Ne 1/2 key = 648 8 % 3/ 4 × 114 = 9456 -75 × 147 = 910 05

(3)M- 24 p 32 = 1,288

10.5 > 78

Oma-8 × 52 = 1416

W man - 3.5h p32 = 9/82

Wman -6.54 650 = 338

-	
: Wd4/1	Henry = 8 7 81 = "648" 4 × "149 - " 456 -75 × 947 - " 11035"
	4 × ° 114 = 5 456
	-25× 942 - 1/835
	7 4 999 24
	(5) m/c = 40 1352 = 2080
e de la companya de l	(5) Men = 40 852 = 2,080 (5) Men = 40 852 = 2,080
S annual transfer and annual and the state of the state o	
	Wman - 654 652 = 338
	Tatal = 2337
	42952
	Total= 9337 / 4,2852 / 4,2852 / 4,2852 /
To the state of th	
-	(1/53) 02
•	
: :- :	
2 manufacture 1	
. A managaran ayan ayan ayan ayan ayan ayan ayan	
<del>varan kanan ka</del>	
The state of the s	
effective and we want who was purply a principle on the continuous of a development of a perphysical discourse only we will stage	
**************************************	
$L_{\rm const} = \frac{1}{2} \left( \frac{1}{2$	
The state of the second state of the second state of the second s	1 T = T = T = T = T = T = T = T = T = T
11-00 unidanipa) zaparająty trittoini Adolfanis, tys pinkija yz. ydydytką st. i . ii . ii desparanj	

r. U2/U2

085

## MULLEN, SULLIVAN & NEWTON, LLP

THOMAS J. NEWTON CRAIG RASMUSSEN STEPHEN C. SNIDER BENJAMIN C. MCDONALD

ATTORNEYS AT LAW IIII WEST TOKAY STREET P. O. BOX 550 LODI, CALIFORNIA 95241-0550 (209) 334-5144 PEOI-EEE (202) XA3

OF COUNSEL ROBERT H. MULLEN C. M. 'DUD' SULLIVAN

February 3, 2004

Stephen D. Schwabauer City Attorney 221 W. Pine St. Lodi, CA. 95240

(Sent Via Fax (209) 333-6807

Heagarty vs. Envision RE:

Dear Steve:

After our discussions regarding the City's occupancy of the 210 West Pine Street premises, I had a discussion with my client and found out that I misinterpreted something that he told me.

Fred indicates to me that he never meant to indicate that the City could have free use of the property. He would like to be compensated at the rate of \$4,000.00 per month for each day of the City's occupancy. translates into roughly \$133.00 per day of actual If this is agreeable, please let me know and I will prepare a very short Memorandum of Understanding to protect both of our interests.

If you have any questions, please call.

Very truly yours,

MULLEN / SULLY N & NEWTON, LLP

by

THOMAS NEWTOR

TJN: ew

CC: Dennis Callahan Fred Heagarty